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STATE OF MICHIGAN COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED August 22, 1995

LC No. 93-002894-FC

No. 174683

RICHARD ALLEN MCBRAYER,

Defendant-Appellant.

Before: J.W. Fitzgerald, * P.J., and T.G. Kavanagh* and R.B. Burns, ** JJ.

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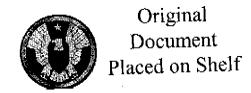
MEMORANDUM.

Defendant pleaded guilty to two counts of first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), and was sentenced to concurrent terms of twenty to forty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentences are within the recommended range of the sentencing guidelines and do not violate the principle of proportionality. People v Milbourn, 435 Mich 630; 461 NW2d 1 (1990); People v Dukes, 189 Mich App 262; 471 NW2d 651 (1991). Defendant's lack of a criminal record does not overcome the presumptive proportionality of his sentences. People v Daniel, 207 Mich App 47; 523 NW2d 830 (1994).

Affirmed.

/s/ John W. Fitzgerald /s/ Thomas G. Kavanagh /s/ Robert B. Burns



Richard A. McBrayer v. Hagh Welfenharger USBC ES 04-CV-73235-DT HONORABLE LAWRENCE P. ZATKOFF

^{*}Former Supreme Court Justices, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1. **Former Court of Appeals Judge, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.